

IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA
RAO

WRIT PETITION NO :13913 of 1998

-

-

Dated: 4th June 2007.

-

Between:

O.Dasaiah, son of O.Ramaiah aged about 24 years, r/o
West Gogulapalli Village, Alluru Mandal, Nellore District
and another.

..... PETITIONERS

AND

The Regional Manager, A.P.S.R.T.C., Nellore Region,
Nellore.

.....RESPONDENT

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA
RAO

-

-

W.P.NO.13913 OF 1998

-

-

ORAL ORDER:

This writ petition is instituted by two candidates, who have responded to the recruitment process initiated by the A.P.S.R.T.C., for the post of Conductors.

It is not in dispute that both the writ petitioners have cleared the initial rounds of selection and at the time of conducting the interviews, the A.P.S.R.T.C., through its communication dated 4th May 1998 directed the writ petitioners to produce the social status certificate obtained within six months preceding the date of interview, inasmuch as, both the writ petitioners have claimed to belong to Scheduled Caste community. It is also not in dispute that the writ petitioners have pressed their claims as members belonging to the Scheduled Caste based upon the certificates issued to them by the competent authority, vouching to the fact that they belong to the Scheduled Caste community. But, however, such social status certificates produced by the writ petitioners are not those, which are obtained within the six months period stipulated in the memo dated 4th May 1998. In this backdrop the writ petition came to be instituted.

I have heard Sri M.Ravindranath Reddy for the writ petitioners and Sri R.Manmada Reddy, the learned Standing Counsel for the A.P.S.R.T.C.

It is represented by Sri R.Manmada Reddy that the

1st petitioner, by virtue of his superior merit, had, in fact, been considered as an open category candidate and was also appointed as a Conductor and that he is working as a Conductor with the A.P.S.R.T.C. as of now. Whereas, the 2nd petitioner was undoubtedly considered as a candidate belonging to Scheduled Caste, but however, his selection has not been finalized in view of the pendency of this writ petition, where the issue relevant, has not been decided.

While it is true that the social status certificate issued by a competent authority of the Revenue Department is valid and subsisting till such time it is rescinded or cancelled in accordance with law, it is not appropriate on the part of the employers to keep on insisting to produce recently obtained social status certificates by the candidates belonging to the reserved communities, such as Scheduled Castes, Scheduled Tribes and the Backward Classes. Obtaining social status certificate from the competent authority is not only time consuming, but also, involves a great scrutiny. Therefore, a certificate once issued by a competent authority has got to be treated or considered as valid and subsisting till such time it is cancelled in accordance with the procedure known to law. If any public employer has the slightest of a doubt about the genuineness of the claim made by any competing candidate, it is always open to such an employer to refer the certificate for the

purpose of verification and reporting about the genuineness of the claim to the very same agency, which has issued such a certificate earlier. Only when the genuineness is suspected, perhaps, the follow up action can be held back.

In my opinion, therefore, the social status certificates produced by the writ petitioners herein, in the absence of any suspicion about their genuineness, are good and valid for all purposes so long as the said certificates are not cancelled by following the procedure known to law. I, therefore, do not find any valid or justifiable reason for the respondent-corporation to insist upon the competing candidates to produce the latest social status certificate obtained by them within a period of six months preceding to the date of interview. Such a procedure is wholly unwarranted. If the employer wants to take such measures and steps, which will ensure that only genuine candidates belong to the Scheduled Castes, Scheduled Tribes or Backward Classes, ultimately get and derive the benefit, which they are otherwise entitled to, it is always open to the authorities of the A.P.S.R.T.C., to refer the specific certificate for verification to the very same agency which has issued such a certificate and in the interregnum, to issue the orders of appointment, appointing the candidate on "provisional basis", pending verification. By delaying or deferring with the selection of such reserved category candidates, their valuable rights are put to peril.

Therefore, the A.P.S.R.T.C., must devise a fair and appropriate procedure by which the candidature of all candidates belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes will be entertained on the basis of valid social status certificates produced by them and their selection will be finalized, followed up by provisional appointments, pending further verification of such claims. If the respondent is suspecting that the claim so made is either defective or not genuine, depending upon the result of the verification, the provisional appointment can either fructify itself into a regular appointment from the initial date of such provisional appointment or might even result in cancellation of the very selection itself, so that the interests of the competing candidates as well as the employer, namely, the A.P.S.R.T.C., can be appropriately balanced.

Since the 2nd writ petitioner has not been appointed so far, I direct the respondent to finalise the selection of the 2nd petitioner forthwith, at any rate within a period of one month from date of receipt of a copy of this order and appoint him, if selected, immediately.

Accordingly, the writ petition is allowed. No costs.

Nooty Ramamohana Rao, J

mrk

4th June 2007

